

**RESOLUTION NO. 19-08-65**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST FOR HISTORIC DESIGNATION OF THE STRUCTURE LOCALLY KNOWN AS “RUSSELL COTTAGE” SITUATED ON PROPERTY LOCATED AT MM 81 WITHIN THE VILLAGE AND KNOWN AS GREEN TURTLE HAMMOCK PRESERVE WITHIN THE PUBLIC AND SEMI-PUBLIC SERVICES (PS) ZONING DISTRICT, WITHIN ISLAMORADA, MONROE COUNTY, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Islamorada, Village of Islands (the “Village”), pursuant to Chapter 30, Article VII, Division 7 of the Village Code of Ordinances (the “Code”), has applied for Historic Designation for the structure known locally as Russell Cottage , located at Green Turtle Hammock Preserve within the municipal boundaries of the Village as described in the Application attached hereto as Exhibit “A” and incorporated by reference herein; and

**WHEREAS**, on August 21, 2019, the Historic Preservation Commission reviewed the request and recommended that the Village Council of Islamorada, Village of Islands (the “Village Council”) approve the request to designate Russell Cottage as an historic structure; and

**WHEREAS**, on August 29, 2019, the Village Council conducted a properly noticed Public Hearing regarding the application pursuant to the applicable provisions of the Village’s Code and Land Development Regulations; and

**WHEREAS**, the Village Council desires to consider the Applicant’s request for historic designation.

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA AS FOLLOWS:**

**Section 1.**      **Recitals.** The above recitals are true, correct, and incorporated herein by this reference.

**Section 2.**      **Findings of Fact.** The Village Council, having considered the Request, the relevant support materials, the HPC's recommendations, public testimony, and evidence given at the hearing, does hereby find and determine:

1. The Property is located within the Public and Semi-Public (PS) Future Land Use Map (FLUM) category.
2. The Property is located within the Public and Semi-Public (PS) Zoning District.
3. The Public Hearing was properly noticed, the Application was properly before the Village Council for consideration, and all interested parties concerned in the matter were given an opportunity to be heard.

**Section 3.**      **Conclusions of Law.** Based upon the above Findings of Fact, the Village Council does hereby make the following Conclusions of Law:

1. The Application has been processed in accordance with the applicable provisions of the Village Land Development Regulations and granting the requested Designation will not be detrimental to the community as a whole; and
2. In rendering its decision, as reflected in this Resolution, the Council has:
  - (a)      Accorded procedural due process;
  - (b)      Observed the essential requirements of the law;
  - (c)      Supported its decision by substantial competent evidence of record; and
3. The Applicant has demonstrated that the structure meets the following criteria as established in Code Section 30-1694(a):

- a. Significance in the history of the village, the county, the state, or the United States, or association with events that are significant in the history of these entities;
- b. Embodiment of the distinctive characteristics of a type, period, or method of construction, or representation of the work of a master, or possession of high artistic values, or representation of a significant and distinguishable entity whose components may lack individual distinction; or
- c. Yielding or likely to yield information important in prehistory or history.

4. The Request is hereby **APPROVED**.

**Section 5. Effective Date.**

This Resolution shall not take effect for thirty (30) days following the date it is filed with the Village Clerk, and during that time, the Historic Designation for the Request approved herein shall be subject to appeal as provided in the Village Land Development Regulations. An appeal shall stay the effectiveness of this Resolution until said appeal is resolved.

Motion to adopt by Councilman Jim Mooney, second by Councilman Ken Davis.

**FINAL VOTE AT ADOPTION**

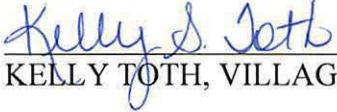
**ISLAMORADA, VILLAGE OF ISLANDS:**

Mayor Deb Gillis	YES
Vice Mayor Mike Forster	YES
Councilwoman Cheryl Meads	YES
Councilman Jim Mooney	YES
Councilman Ken Davis	YES

**PASSED AND ADOPTED THIS 29<sup>th</sup> DAY OF AUGUST, 2019.**

  
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DEB GILLIS, MAYOR

ATTEST:

  
\_\_\_\_\_  
KELLY TOTH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY  
FOR THE USE AND BENEFIT OF  
ISLAMORADA, VILLAGE OF ISLANDS ONLY

  
\_\_\_\_\_  
ROGET V. BRYAN, VILLAGE ATTORNEY

This Resolution was filed in the Office of the Village Clerk of this 30<sup>th</sup> day of August, 2019.

  
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KELLY TOTH, VILLAGE CLERK